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March 20, 2020

VIA ECF

Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Ashley Maher v. City of New York, et al.*,
19-CV-6454 (BMC)

Your Honor:

I am a Senior Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, and one of the attorneys assigned to the defense of defendant City of New York in this matter. I write jointly with plaintiff's counsel, Baree Fett and Gabriel Harvis of Elefterakis, Elefterakis & Panek to respectfully request a sixty day enlargement of the remaining discovery deadlines in this matter in light of the ongoing COVID-19 pandemic.

On January 14, 2020, the Court issued the Civil Case Management Plan. ECF No. 9. The Civil Case Management Plan imposes the following remaining deadlines, which are not to be adjourned except upon a showing of good cause and further order of the Court:

- 1) Both parties' Requests to Admit shall be completed by **March 30, 2020**;
- 2) Both parties' depositions of all parties, and non-party witnesses, shall be completed by **April 13, 2020**;
- 3) All non-expert discovery is to be completed by **April 13, 2020**;
- 4) The last date for filing a letter pursuant to Rule III.A.2 of the Court's Individual Rules of Practice requesting a promotion conference in order to file dispositive motions is **April 20, 2020**.

Id. at p. 1-4.

The parties have been diligently working to comply with the Court's Orders and deadlines, and we are committed to moving this case forward as expeditiously as possible. However, our efforts are being obstructed by the ongoing COVID-19 pandemic which has

triggered a state of emergency.¹ In light of pronouncements from government and judicial officials, associated policies, expert recommendations, and the further spread of COVID-19, the New York City Law Department, along with the majority of employers in New York City and State, has advised that individuals should work from home as much as is practicable to ensure compliance with public policy directives, and to protect individuals from further community spread of the virus. Further, the Mayor has issued an Executive Order directing non-essential City employees to work remotely. This will impact the ability of defendants to obtain any outstanding documentary discovery from other governmental entities, and it is anticipated that it may hinder our ability to safely prepare for and conduct depositions. Consequently, in light of the current public health situation and in an effort to engage in social distancing as much as possible, the parties respectfully request the following sixty day extension of the remaining deadlines:

Proposed Discovery Schedule

Plaintiff requests, and defendant City of New York does not oppose, that the deadline to serve Detective Greenberg be **May 29, 2020**.

- 1) Both parties' Requests to Admit shall be completed by **May 29, 2020**;
- 2) Both parties' depositions of all parties, and non-party witnesses, shall be completed by **June 15, 2020**;
- 3) All non-expert discovery is to be completed by **June 15, 2020**;
- 4) The last date for filing a letter pursuant to Rule III.A.2 of the Court's Individual Rules of Practice requesting a promotion conference in order to file dispositive motions is **June 22, 2020**.

The parties thank the Court for your consideration of this request.

Respectfully submitted,

Kiran H. Rosenkilde /s/
Kiran Rosenkilde and Nelson Leese
New York City Law Department
Attorneys for Defendant City of New York

Gabriel Harvis [By Consent]
Gabriel Harvis and Baree Fett
Attorneys for Plaintiff

To: All counsel (By ECF)

¹ See THE WHITE HOUSE, "Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak," available at <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/> (Mar. 13, 2020).